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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,374	10/18/2006	Peter Hasenfuss	F-9055	2261
28107 7590 03/23/2010 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER				
MOYER, DALE S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/574,374

Applicant(s)

HASENFUSS, PETER

Examiner

Dale Moyer

Art Unit

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 16-26 and 28-34 is/are rejected.
7) ☒ Claim(s) 27 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 04/03/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of the Application

Claims 1-34 have been presented in the application. In a preliminary amendment filed 18 October 2006, the applicant canceled original claims 1-15 and added new claims 16-34. Accordingly, pending claims 16-34 are addressed herein.

Information Disclosure Statement

1. The information disclosure statements filed 15 June 2006 and 21 September 2006 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed 3 April 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information

referred to therein has not been considered. The examiner notes that the documents submitted with DE 200 09 231 and DE 296 05 816 are not in the English language. Further, the document submitted with DE 199 40 483 includes a translation of the title only, which is not considered to be "a concise explanation of the relevance."

Claim Objections

Claim 29 is objected to for being improperly dependent on cancelled claim 1.

Claim 27 is objected to for being dependent on rejected claims 26 and 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-20 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan et al. (United States Patent No. US 6,619,212 B1).

In regards to claim 16, Stephan et al. teach an automatic traffic system, comprising:

individual vehicles (Fig. 2, element 14; Fig. 15, element 152), each including an independent driving system (Fig. 15, element 170), a driver operable steering control (Fig. 10, element 104) and at least one energy take-off (Fig. 16, element 174) and guiding device (Fig. 14, element 12);

a transmission route (Fig. 2, element 18) including a solid substrate forming bearing surfaces (Fig. 13, elements 66, 74, 162, 164 and/or 168) for respectively

accommodating wheels of the individual vehicles (Fig. 9, element 96), said transmission route having access points therealong (Fig. 2, elements 26 and/or 28), including entrances and exits via which the individual vehicles can access the transmission route; an energy supplying and guiding system (Fig. 13, element 16) which is disposed between or adjacent to the bearing surfaces for at least providing driving energy (Fig. 13, element 174), and which can be traversed above by any of the individual vehicles at least in a region of each of the entrances and exits; and

said energy take-off and guiding device being movable into operable connection with the energy supplying and guiding system while accessing the transmission route (Fig. 3, element 18; Fig. 13, element 172), and out of the operable range of the energy supplying and guiding system when exited (Fig. 3, element 24) from the transmission route.

Stephan et al. does not explicitly teach that said solid substrate forming bearing surfaces are separately positionable. However, Stephan et al. do teach that each reaction strip 162 may include one or more reaction plates 168 (column 16, lines 50-57).

It would have been obvious to a person of ordinary skill in the art at the time of invention that each *individual* reaction plate 168 is separately positionable.

In regards to claim 17, Stephan et al. teach the automatic traffic system as applied to claim 16 above, wherein the energy supplying and guiding system is disposed on the transmission route and protrudes an insignificant amount above a rolling plane of the vehicle wheels (Fig. 13, element 160).

In regards to claim 18, Stephan et al. teach the automatic traffic system as applied to claim 16 above, wherein the bearing surfaces are configured for drainage (column 5, lines 4-42 and column 16 lines 37-50).

Since Stephan et al. teach configuring the bearing surfaces for drainage (rain water run off); shaping the bearing surfaces to be higher in the center to improve drainage would have been obvious to a person of ordinary skill in the art at the time of invention.

In regards to claim 19, Stephan et al. teach the automatic traffic system as applied to claim 18 above, wherein the bearing surfaces include raised beads (Fig. 2, element 53; Fig. 13, element 72) in edge regions thereof present over segments of the transmission route excluding said exits and entrances and any branches and crossings permitting traversal by others (column 3 line 66 through column 4, line 7; column 5, lines 21-33).

In regards to claim 20, Stephan et al. teach the automatic traffic system as applied to claim 19 above, wherein outer ones of the raised beads are higher than inner ones of said raised beads.

The examiner notes that Stephan et al. teach "an errant vehicle capture area 53 [...] configured to absorb kinetic energy from vehicles 14 that have strayed off a particular lane [...] so as to slow the vehicles 14" (see column 4, lines 1-4), and "vertically extending sidewalls 72 that [...] serve to keep out pedestrians, animals, and debris.

As one of ordinary skill in the art would readily appreciate, said vehicle capture area 53 (i.e. wall) built to redirect vehicles would not need to be as high as a wall built to prevent animals from entering the roadway (e.g. deer). Therefore it would have been obvious to a person having ordinary skill in the art at the time of invention to build the sidewalls 72 to a height sufficient to stop animals from entering the roadway and to build the capture area walls 53 to a lesser height, sufficient to redirect vehicles back to the roadway.

In regards to claim 28, Stephan et al. teach the automatic traffic system as applied to claim 16 above, further comprising cross ties (Fig. 6, element 68) resting on supports (Fig. 6, element 74), said transmission route being mounted on said cross ties.

In regards to claim 29, Stephan et al. teach the automatic traffic system as applied to claim 1 above, wherein control signals for the individual vehicles are transmittable over the energy supplying and guiding system (column 17, lines 22-38).

In regards to claim 30, Stephan et al. teach the automatic traffic system as applied to claim 16 above, wherein communication and information signals are transmittable over the energy supplying and guiding system (column 17, lines 22-38).

In regards to claim 31, Stephan et al. teach the automatic traffic system as applied to claim 16 above, wherein the individual vehicles travel in convoys closely behind one another while traveling in the transmission route (Fig. 2).

In regards to claim 32, Stephan et al. teach the automatic traffic system as applied to claim 16 above, further comprising a system for controlling a particular

interval between the individual vehicles while traveling in the transmission route (column 12, lines 6-10).

In regards to claim 33, Stephan et al. teach the automatic traffic system as applied to claim 31 above, further comprising goods containers which are disposable between two of said individual vehicles to form a goods-transporting convoy (column 1, lines 12-23).

It would have been obvious to a person having ordinary skill in the art at the time of invention to include a goods carrying vehicles into the convoy taught by Stephan et al. because it was well known in the art at the time of invention that vehicles can be used to transport goods.

In regards to claim 34, Stephan et al. teach the automatic traffic system as applied to claim 32 above, further comprising goods containers which are disposable between two of said individual vehicles to form a goods-transporting convoy (column 1, lines 12-23).

It would have been obvious to a person having ordinary skill in the art at the time of invention to include a goods carrying vehicles into the convoy taught by Stephan et al. because it was well known in the art at the time of invention that vehicles can be used to transport goods.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan et al. (United States Patent No. US 6,619,212 B1) as applied to claim 19 above, and further in view of McNair (United States Patent No. 5,469,932).

In regards to claim 21, Stephan et al. teach the automatic traffic system as applied to claim 19 above.

Stephan et al. does not teach that the inner surfaces are provided with a sound-absorbing covering.

McNair teaches a sound barrier having multiple faces for covering a vertical highway wall. The faces of the sound barrier are positioned obliquely so that a ray of sound will strike a face at a high angle of incidence and be reflected in a horizontal direction thereby deflecting audible sounds away from the wall.

It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Stephan et al. and McNair. That is, it would have been obvious to supplement the wall taught by Stephan et al. with the sound barrier taught by McNair for the purpose of deflecting audible sounds away from the wall.

6. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan et al. (United States Patent No. US 6,619,212 B1) as applied to claims 16 and 18 above, and further in view of Bock (United States Patent No. US 6,820,923 B1).

In regards to claims 22-25, Stephan et al. teach the automatic traffic system as applied to claims 16 and 18 above.

Bock teaches a sound absorption system of automotive vehicles, the sound absorption system including panels disposed within the wheel wells (column 7, lines 15-28).

It would have been obvious to a person of ordinary skill in the art to dispose a sound proofing panel within the wheel well of the vehicle because it was well known to do so in the art for the purpose of reducing sound in the vehicle compartment.

7. Claims 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan et al. (United States Patent No. US 6,619,212 B1) as applied to claims 16 and 26 above, and further in view of Face, Jr. (United States Patent No. US 6,177,185 B1).

In regards to claim 26, Stephan et al. teach the automatic traffic system as applied to claim 16 above.

Stephan et al. do not teach that the bearing surfaces are provided with a wear resistant covering.

Face, Jr. teaches an adhesive overlay comprising latex for reducing cracking, corrosion and water seepage in concrete roadways.

It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of Stephan et al. and Face Jr. That is it would have been obvious add the adhesive overlay taught by Face Jr. to the bearing surface taught by Stephan et al. for the purpose of reducing cracking, corrosion, and water seepage of the bearing surface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dale Moyer whose telephone number is (571)270-7821. The examiner can normally be reached on Monday through Thursday from 10AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dale Moyer/
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664